



PUBLIC NOTICE

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DA 09-2140

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES
REGION 24 (MISSOURI) NPSPAC REGIONAL PLANNING COMMITTEE NON-
STREAMLINED AMENDMENT TO REFLECT 800 MHZ BAND RECONFIGURATION IN
THE 806-809/851-854 BAND**

WT Docket No. 02-55, PR Docket No. 93-131

Introduction. By this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) approves the National Public Safety Planning Advisory Committee (NPSPAC) non-streamlined regional plan amendment (Non-Streamlined Amendment) reflecting the new 806-809/851-854 MHz band allotments submitted by the Region 24 regional planning committee (RPC).¹ For the reasons discussed below, we approve the Region 24 800 MHz Plan Non-Streamlined Amendment.

Background. The *800 MHz Report and Order* and subsequent orders in WT Docket No. 02-55 provide for reconfiguration of the 800 MHz band in order to eliminate harmful interference to public safety operations within the band.² As part of band reconfiguration, in all non-border areas, the former NPSPAC band at 821-824/866-869 MHz has shifted fifteen megahertz lower in the band to 806-809/851-854 MHz, and NPSPAC incumbents are in the process of relocating from the old to the new band. As a consequence of 800 MHz band reconfiguration, all non-border 800 MHz RPCs³ are required to amend their regional plans currently on file with the Commission to reflect the fifteen-megahertz shift in the NPSPAC band from 821-824/866-869 MHz to 806-809/851-854 MHz.

The Commission's policies require the RPCs to prepare and submit regional plans for use of the NPSPAC band in their respective Public Safety Regions.⁴ The RPCs must also update their regional plans as needed to conform to changes in the nationwide NPSPAC band plan, and to reflect other changes

¹ See Letter from Stephen T. Devine, Chairman, Region 24 (Missouri) NPSPAC Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-55, PR Docket No. 93-131 (filed Mar. 30, 2009) (submitting Non-Streamlined Plan Amendment).

² See *Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004).

³ RPCs for all NPSPAC regions in Waves 1, 2, and 3, other than Region 19 (New England), must file amendments. NPSPAC Region 19 and all NPSPAC regions in Wave 4 are excluded from this requirement, and RPCs for these regions are not required to submit amended plans at this time. We will provide information on the plan amendment process for these regions at a later date, after the 800 MHz Transition Administrator determines replacement channel assignments for NPSPAC licensees in the U.S. – Canada and U.S. – Mexico border areas.

⁴ See 47 C.F.R. § 90.16 (no assignments will be made in spectrum designated for the Public Safety National Plan until a regional plan for the area has been accepted by the Commission); see also *Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821-824/866-869 MHz Bands by the Public Safety Services*, Gen. Docket No. 87-112, *Report and Order*, 3 FCC Rcd 905 (1987) (*National Plan Report and Order*).

in the disposition of NPSPAC channels within the region, technical requirements, or procedures for assigning channels.⁵

On February 10, 2009, the Bureau directed RPCs for non-border NPSPAC regions to file amendments to their 800 MHz regional plans by April 13, 2009, to bring them into conformity with the new 800 MHz band plan.⁶ Plan amendments were subject to a streamlined filing and approval procedure provided that they were limited to changes in frequency listings based on the new band plan.⁷ Alternatively, RPCs could elect to file amended regional plans by June 10, 2009, that combined rebanding-related changes with other modifications that were not rebanding-related, provided that they notified the Bureau by April 13, 2009 of their intent to do so.⁸

Review of the Region 24 Non-Streamlined Plan Amendment. On March 30, 2009, the Region 24 (Missouri)⁹ 800 MHz NPSPAC Regional Planning Committee submitted a proposed Non-Streamlined Plan Amendment for review and approval.¹⁰ In addition to changes to the channel allocations,¹¹ the Non-Streamlined Amendment included the following modifications:

- Replacement of outdated technical parameters to improve spectrum implementation and efficiency within Region 24.¹²
- Adoption of a zone approach for using channel allotments between counties in the same zone, permitting the transfer of channel allotments between counties within the same zone. The North and South zones were established to maximize channel availability in the St. Louis area among the counties of St. Louis, St. Charles and the City of St. Louis (North Zone), and Jefferson and Franklin counties (South Zone).¹³

⁵ See *National Plan Report and Order*, 3 FCC Rcd at 911 ¶57.

⁶ See Public Safety and Homeland Security Bureau Provides Guidance on Amendment of 800 MHz Plans to Reflect 800 MHz reconfiguration and on Licensing of New NPSPAC Facilities in the 806-809/851-854 MHz Band, WT Docket No. 02-55, *Public Notice*, 24 FCC Rcd 1364 (PSHSB 2009).

⁷ RPCs were allowed to submit such amendments without obtaining adjacent region concurrence, and were permitted to include administrative updates, *e.g.*, changes to RPC by-laws or membership, in their amendments. The Bureau waived normal public notice and comment procedures for processing streamlined amendments.

⁸ Non-Streamlined Regional Plan Amendments include other substantive modifications to regional plans, *e.g.*, changes to channel allocations within the region, technical parameters, or procedures for assigning channels. RPCs are required to obtain adjacent RPC concurrence for these amendments. After initial review, the Bureau places non-streamlined amendments on public notice for comment prior to disposition.

⁹ The Region 24 (Missouri) 800 MHz NPSPAC regional planning area encompasses the entire state of Missouri, consisting of 114 counties and the City of St. Louis (which does not reside within a Missouri county).

¹⁰ See Letter from Stephen T. Devine, Chairman, Region 24 (Missouri) NPSPAC Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-55, PR Docket No. 93-131 (filed Mar. 30, 2009) (submitting Non-Streamlined Plan Amendment).

¹¹ See Non-Streamlined Plan Amendment, Appendix L - Revised Channel Allotments at 41-97.

¹² See *id.* Section 3.5.6 – Protection Ratios at 17 (three interference protection ratios are built into the Region 24 Plan, one for a co-channel case and two for the adjacent-channel case).

¹³ See Letter from Stephen T. Devine, Chair, Region 24 800 MHz NPSPAC (filed Mar. 23, 2009) (submitting Non-Streamlined Plan Amendment) at 2.

- A requirement for agencies to relinquish vacated frequencies under certain conditions: (1) If the new system fully replaces functions of the old one, and (2) the new system has operated satisfactorily for a sufficient time period to permit a smooth transition from former operations and demonstrates the degree of reliability necessary for the agency/applicant to complete their mission.¹⁴

The Amendment was coordinated with all eight adjacent regions to Region 24: Region 4 (Arkansas), Region 13 (Illinois), Region 15 (Iowa), Region 16 (Kansas), Region 17 (Kentucky), Region 26 (Nebraska), Region 34 (Oklahoma), and Region 39 (Tennessee).¹⁵

On August 10, 2009, the Bureau released a *Public Notice* seeking comment on the Region 24 Plan.¹⁶ We received no comments on the on the Plan Amendment. We have reviewed the Region 24, Non-Streamlined Plan Amendment and conclude, based on the information before us, that it complies with FCC rules and policies.

Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Region 24 800 MHz NPSPAC Non-Streamlined Plan Amendment is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Deputy Chief, Public Safety and Homeland Security Bureau.

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¹⁴ See Non-Streamlined Plan Amendment, Section 3.4.6 - Give-Back Frequencies at 15.

¹⁵ See *id.* at 99-106.

¹⁶ See Public Safety and Homeland Security Bureau Seeks Comments on Region 24 (Missouri) Non-Streamlined Amendment to Reflect 800 MHz Band Reconfiguration in the 806-809/851-854 MHz Band, WT Docket No. 02-55, PR Docket No. 93-131, *Public Notice*, DA 09-1783 (rel. Aug. 10, 2009). Comments were due Aug. 31, 2009 and reply comments were due Sept. 10, 2009.